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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,909	03/13/2001	Kenneth S. Ehrman	ID-3	7706

23932 7590 07/12/2004

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DALLAS, TX 75202

EXAMINER
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JASMIN, LYNDIA C

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/804,909

Applicant(s)

EHRMAN ET AL.

Examiner

Lynda Jasmin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-31, 36-51 and 58-63 is/are pending in the application.
- 4a) Of the above claim(s) 27-31 and 47-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-26, 36-46 and 58-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I in the reply filed on February 6, 2004 and March 29, 2004 is acknowledged.
2. Claims 27-31 and 47-51 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species II "a process for vehicle rental return", there being no allowable generic or linking claim.

Claims 1-15, 32-35 and 52-57 have been cancelled and claims 58-63 have been added.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 16-26, 36-46 and 58-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothert et al. (6,141,610).

Rothert et al. discloses the claimed method for renting a rental vehicle, with the step of: transmitting rental transaction details to a selected rental vehicle (via logger 20), the rental transaction details including driver identification linked to an identification of the selected rental vehicle (col. 9, lines 49-52), storing the transmitted rental transaction details in a memory located within the selected rental vehicle (via storage device 22), transmitting the stored rental transaction details from the selected rental vehicle to an exit security point of a rental vehicle lot (303, 304) as the selected rental vehicle approaches the exit security point (col. 7, lines 37-41).

Rothert et al. further discloses the step of printing a copy of a rental agreement for the selected rental vehicle at the exit security point (col. 12, lines 29-42), resetting a fuel and distance measurement device located within the selected rental vehicle (col. 8, lines 6-18) and monitoring fuel state and distance traveled using the fuel and distance measurement device (col. 8, lines 20-25).

Rothert et al. also discloses the step of transmitting the monitored fuel state and distance traveled information from the selected rental vehicle to a central rental node when the selected rental vehicle returns to either the same or a different rental vehicle lot (via step 404; col. 8, lines 26-29, 51-56), and calculating charges for use of the selected rental vehicle based on the transmitted monitored fuel state and distance

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traveled information (col. 9, lines 41-49), and additionally transmitting the rental transaction details to the exit security point of the rental vehicle lot in a manner that does not pass through the selected rental vehicle and its memory (col. 2, lines 6-31).

The rental transaction details include credit card data for a renter of the vehicle (inherently recited since a credit card slip is printed), the rental transaction details include an identification of a type of rental agreement for the selected rental vehicle (via a Vehicle's Identification Number; col. 9, lines 49-52). Rothert et al. further includes confirming responsive to selected rental vehicle approach to the exit security point that a rental record exists with respect to the selected rental vehicle (col. 7, lines 31-46).

Although, Rothert et al. fails to explicitly disclose making the transmitted rental transaction details available to security personnel at the exit security point. However, it is old and well known to have personnel operating and/or monitoring terminals at rental lot exit point. Thus, one of ordinary skill in the art at the time the invention was made would have provided the exit point (via 303) of Rothert et al. with security personnel in order to physically monitor transaction in and out of each rental vehicle.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nimura et al., Hirsberg, Stewart, Goldman et al. (6,430,488 B1), Diaz are cited as art of interest.

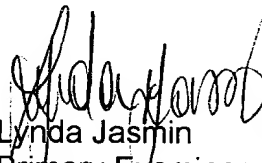
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (703) 305-

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0465. The examiner can normally be reached on Monday- Friday (8:00-5:30) alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Lynda Jasmin  
Primary Examiner  
Art Unit 3627  
6/14/04

lj